



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C. September 8, 2004 Item: 6.a

File Number:  
GP04-T-01a&b

Council District and SNI Area:  
Citywide

Major Thoroughfares Map Number:  
Citywide

Assessor's Parcel Number(s):  
Citywide

Project Manager: Jenny Nusbaum

## GENERAL PLAN REPORT

### 2004 Summer Hearing

#### PROJECT DESCRIPTION:

1. GP04-T-01a: GENERAL PLAN TEXT AMENDMENT request to change the text of policies and Land Use/Transportation Diagram designation descriptions to facilitate the continuation and expansion of recycling uses on landfill sites after closure of landfills.
2. GP04-T-01b: GENERAL PLAN TEXT AMENDMENT request to change the text of the Specific Land Use Plan for the Alviso Planned Community Land Use/Transportation Diagram designation description of Solid Waste Landfill Overlay to facilitate the continuation and expansion of recycling uses on landfill sites after closure of landfills.

LOCATION: Citywide

ACREAGE: Citywide

#### APPLICANT/OWNER:

City Council/City of San Jose

#### GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Not Applicable.

Proposed Designation: Not Applicable.

EXISTING ZONING DISTRICT(S): Not Applicable.

#### SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Citywide

South: Citywide

East: Citywide

West: Citywide

#### ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration pending.

#### PLANNING STAFF RECOMMENDATION:

Adopt the proposed text amendment.

Approved by:

Date:

#### PLANNING COMMISSION RECOMMENDATION:

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**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Department of Public Works has no comments.
- Santa Clara Valley Water District has no objections.
- See attached memorandum from David Mitchell from Department of PRNS that concludes that the proposed amendment will have no effect on the City of San Jose's Park System.

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**GENERAL CORRESPONDENCE:**

None received.

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**ANALYSIS AND RECOMMENDATIONS:****RECOMMENDATION**

Adopt the proposed text amendment to change :

- 1) The text of policies and Land Use/Transportation Diagram designation descriptions to facilitate the continuation and expansion of recycling uses on landfill sites after closure of landfills (GP04-T-01a);
- 2) The text of the Specific Land Use Plan for the Alviso Planned Community Land Use/Transportation Diagram designation description of Solid Waste Landfill Overlay to facilitate the continuation and expansion of recycling uses on landfill sites after closure of landfills (GP04-T-01b).

**PROJECT DESCRIPTION**

This is a City Council initiated General Plan text amendment to revise General Plan policies and Land Use/Transportation Diagram designation descriptions to allow recycling, resource recovery, and composting operations to continue on a portion of a landfill site after closure of the landfill. The proposed text amendment also includes a similar revision of text in the Specific Land Use Plan for the Alviso Planned Community.

**BACKGROUND**

As stated in the *San Jose 2020 General Plan*, the collection and disposal of solid waste is a fundamental community service regulated by the City for the benefit of its residents and businesses. Due to population growth, increases in the rate of recycling, more efficient use and re-use of materials, and more stringent environmental protection regulations, the demand for new recycling facilities is displacing the need for traditional solid waste disposal systems. Additionally, shifting regional disposal patterns are placing new demands on existing landfills sited in San Jose while creating opportunities for regional cooperation.

Meeting these challenges and capitalizing on these opportunities requires the establishment of alternative use, disposal and production patterns for solid waste. A solid waste hierarchy, comprised of source reduction, recycling/composting transformation and landfilling, governs all solid waste management goals and policies of the City. This hierarchy places primary emphasis on implementing source reduction and recycling/composting measures, while continuing to allow landfills to accommodate waste that cannot be reduced at the source, recycled or composted.

In keeping with this hierarchy while preserving natural resources, rather than establishing new landfill operations, the preferred method for increasing the City's landfill capacity is to expand the capacity of existing landfill sites. To further reduce the need for new landfills, the City of San Jose also encourages the reduction of solid waste through source reduction, recycling, and composting. The proposed General Plan text amendment would help reduce the need for new landfills by allowing the continuation of recycling, resource recovery, and composting operations on existing landfill sites after landfill capacity has been reached.

### **Applicable Land Use Designations**

The General Plan text amendment would apply only to sites with a "Solid Waste Landfill Site" (SW) or "Candidate Solid Waste Landfill Site" (CSW) designation that are also located within the Greenline/Urban Growth Boundary and Urban Service Area. A Solid Waste Landfill Site designation is an existing designation in the General Plan. It is overlaid on another land use designation and represents a potential alternative to the uses otherwise allowed by the underlying designation. The "SW" and "CSW" designations are identified as "floating" designations and are only intended to indicate general locations so that the actual facility will be sited in the most environmentally suitable location. The Solid Waste Landfill Site and Candidate Solid Waste Landfill Site overlays are compatible with the underlying designations of Public/Quasi-Public, Non-Urban Hillside, and Private Open Space.

### **Recycling Facility versus Solid Waste Transfer Facility**

The General Plan text amendment would apply to recycling operations only: solid waste transfer would not be considered to fall into the category of recycling operations. Moreover, the General Plan indicates that solid waste transfer facilities should be located on sites with a Heavy Industrial General Plan Land Use/Transportation Diagram designation. For these reasons, the text amendment should not be interpreted to encourage solid waste transfer operations on landfill sites after landfill closure.

This distinction is consistent with State regulatory definitions. The State definition of a Recycling Facility allows the Transfer of Residuals (less than 10% of materials received), whereas the State considers Solid Waste Transfer (more than 10% of materials received), to fall into a different and more highly regulated category of waste management.

### **Zoning Considerations**

The City of San Jose Zoning Ordinance also distinguishes between Recycling Transfer Facilities and Solid Waste Transfer Facilities as follows:

## 20.200.1280 Transfer Facility

### A. Recycling

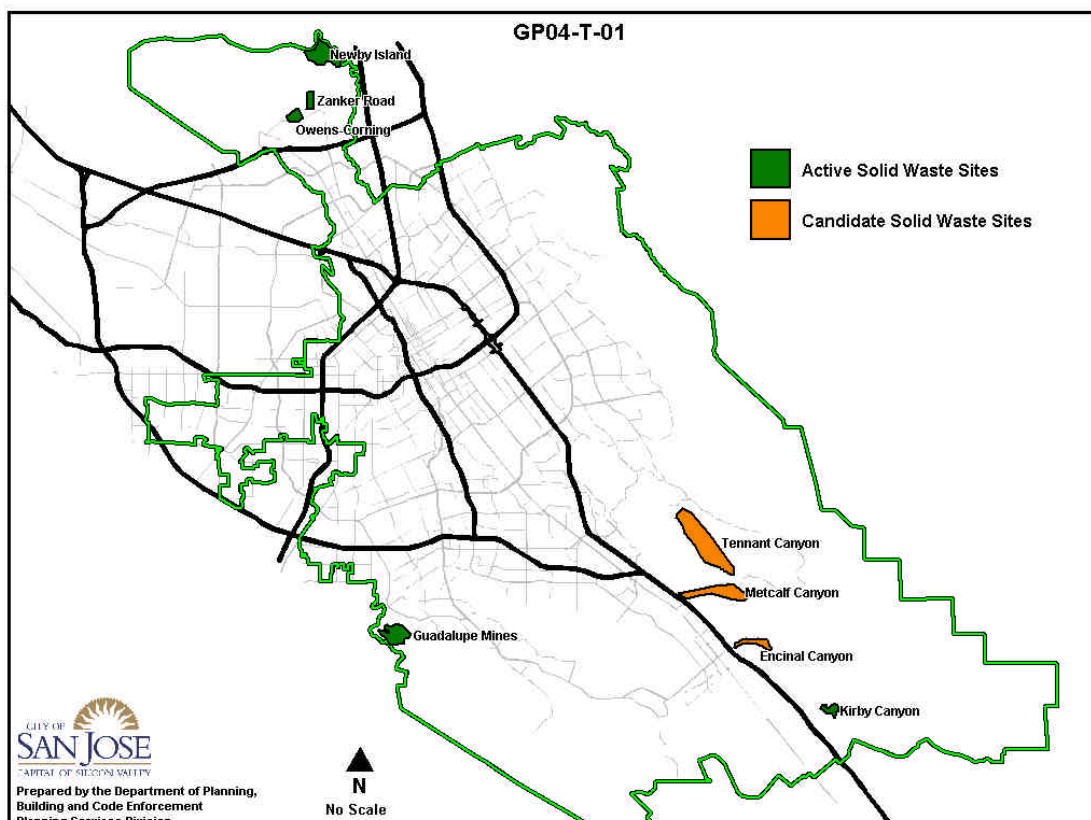
A “recycling transfer facility” is defined as a facility that receives recyclable materials, as defined in this Chapter, typically from small collection facilities, and commercial vehicles for the purpose of storing, handling, batching and baling, and/or sorting prior to transferring to another facility. Such a facility may be involved with recycling-related collection activities not allowed at small collection facilities.

### B. Solid Waste

A “solid waste transfer facility” is defined as a facility that receives primarily solid waste materials, from commercial vehicles for the purpose of storing and handling prior to transferring to another facility. Such a facility may have limited recapture of recyclable materials as defined in this chapter.

### Planned Development Zoning Requirement

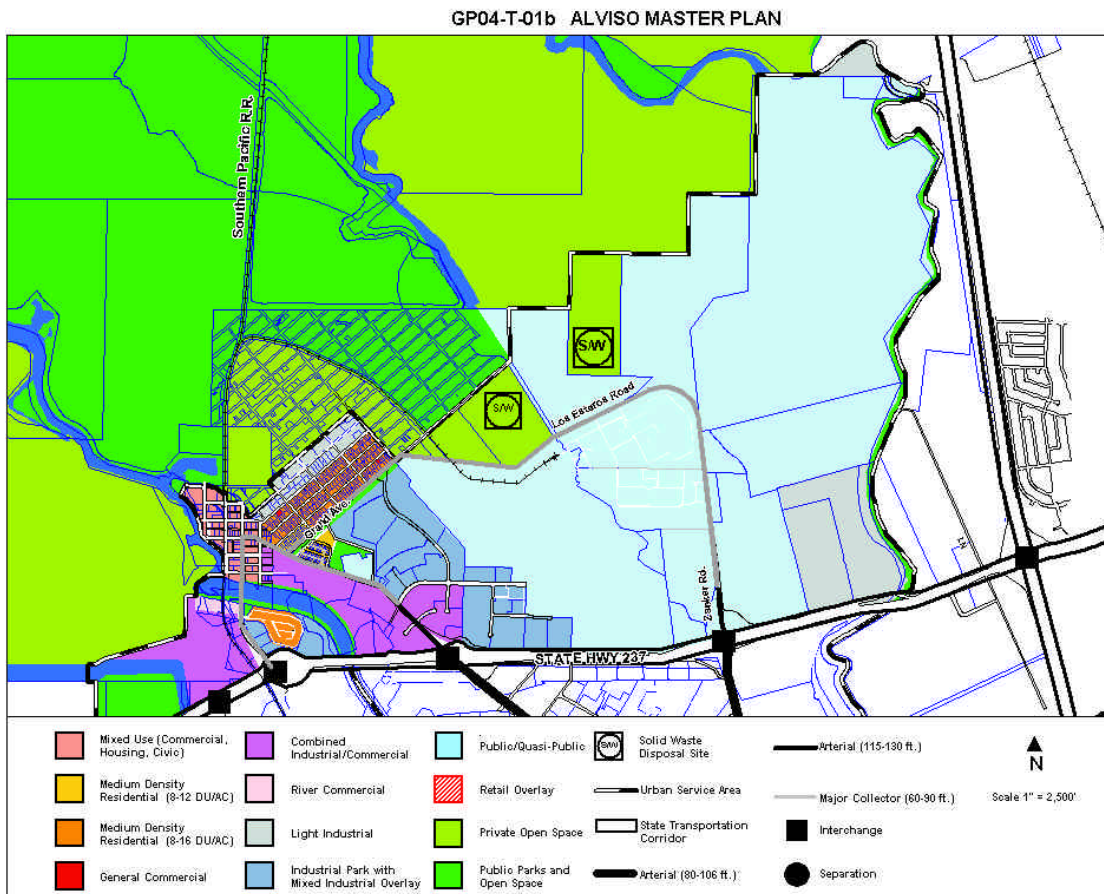
To regulate the conditions and duration of the recycling operations in as effective a manner as possible so that these operations are consistent with the Zoning Ordinance references to recycling, and so that the operations do not become solid waste transfer operations, the proposed General Plan text amendment states that any future proposals for the continuation and expansion of recycling operations on existing designated landfill sites after closure of landfills should be processed through a Planned Development zoning.



## Existing Active Landfill Sites

Five active sites with a Solid Waste Landfill Site overlay exist in the City of San Jose:

1) Owens-Corning (now the Zanker Materials Processing Facility) at 675 Los Esteros Road; 2) Zanker Road Landfill at 705 Los Esteros Road; 3) Newby Island at 1601 Dixon Landing Road; 4) Kirby Canyon at 910 Coyote Creek Golf Drive; and 5) Guadalupe Mines at 15999 Guadalupe Mines Road. These landfills are located on sites with underlying designations of Private Open Space (Owens/Zanker, Zanker Road Landfill, and Newby Island), or Non-Urban Hillside (Kirby Canyon and Guadalupe).



## Candidate Landfill Sites

At present, Tennant Canyon is the only site with a Candidate Solid Waste Landfill Site overlay located in the City of San Jose municipal boundary. This site has an underlying General Plan land use designation of Non-Urban Hillside and is located outside the Urban Service Area. Two other sites with the Candidate Solid Waste Landfill Site overlay, Encinal Canyon and Metcalf Canyon on the periphery of Coyote Valley, are located within the City's Sphere of Influence in unincorporated areas of Santa Clara County. Encinal Canyon has an underlying designation of Private Open Space and Metcalf Canyon has underlying designations of Public/Quasi-Public and Public Park/Open Space.

## **ANALYSIS**

The proposed General Plan text amendment would strengthen the *San Jose 2020 General Plan* goals and policies to protect, conserve, and enhance the region's environmental resources, and help the City meet its goals for waste reduction by facilitating recycling operations on landfill sites. By incorporating additional recycling policy text into the General Plan, the City Council would help promote the conservation of natural resources, a major element of the Sustainable City Major Strategy. This text amendment would also support the City's goal to maintain a healthy living environment, by reducing consumption and waste. Incorporating additional recycling policies into the General Plan also helps the City to achieve its goal to reduce demand on existing solid waste landfills by implementing all feasible source reduction and recycling measures.

### **Existing Constraints for Recycling Operations**

Currently, recycling operations are encouraged on sites with Light Industrial or Heavy Industrial General Plan Land Use/Transportation Diagram designations. Unfortunately, the City's supply of industrial lands that are appropriately sized and located for recycling operations is very scarce. Even when a recycling operation is proposed on an appropriately sized site that is completely surrounded by industrial uses of a similar intensity, experience has shown that neighbors who are not engaged in similar types of industrial operations will oppose the proposed recycling operation. This experience holds true even when the neighbors are located up to half a mile away from the proposed site.

By facilitating recycling operations on landfill sites after the closure of landfill operations, the proposed text amendment would help maintain a minimum inventory of sites specifically intended for recycling. The City's designated Solid Waste and Candidate Solid Waste sites are generally located in areas that are set far apart from other uses. This distance reduces the likelihood of neighborhood complaints.

### **Consistency with the City's Strategies, Goals, and Policies**

#### **Major Strategies**

The *San Jose 2020 General Plan* has seven Major Strategies that together provide the "vision" for San Jose's future growth and development. The proposed text amendment is consistent with two of the seven Major Strategies: the Sustainable City, and the Greenline/Urban Growth Boundary.

#### **General Plan Sustainable City Major Strategy**

The text amendment would promote the *San Jose 2020 General Plan* Sustainable City Major Strategy, which is a statement of San Jose's desire to become an environmentally and economically sustainable city designed, constructed, and operated to minimize waste, efficiently use its natural resources and to manage and conserve them for the use of present and future generations. The City operates many programs that promote the wise use of natural resources that are intended to move San José towards sustainability. These programs include recycling, waste disposal, water conservation, transportation demand management, transportation systems

management, energy efficiency, and preventive maintenance of the built environment. The Sustainable City Major Strategy is intended to support these efforts by ensuring that the urban form is designed and built in a manner consistent with the objectives of efficient resource use and environmental protection.

### General Plan Goals

The proposed General Plan text amendment would help achieve the following Solid Waste Goals:

1. Recover the resource value of solid waste and foster the establishment of facilities in San José that constructively use and reinvest such resources in the local economy.
2. Extend the life span of existing landfills by promoting source reduction, recycling, composting and transformation of solid wastes.
3. Locate and operate solid waste sites in a manner that protects environmental resources.
4. Locate and operate solid waste disposal facilities in a manner compatible with existing and planned surrounding land uses.
5. Achieve a high level of public awareness of solid waste issues and alternatives to landfilling.

The text amendment would also help achieve the Extractive Resources Goal to conserve and make prudent use of economically usable extractive resources.

Additionally, the text amendment would be consistent with the Urban Design Goal to encourage the use of “Green Building” techniques for development projects.

### Solid Waste Policies

The proposed General Plan text amendment would help the City to implement the following Solid Waste Capacity policies:

1. Monitor the continued availability of long-term disposal capacity to ensure adequate solid waste disposal capacity.
2. No new candidate landfill sites should be designated until the need for additional landfill capacity has been established. Source reduction and recycling/composting alternatives should be taken into account when evaluating the need for a landfill.

### Landfill Siting Criteria

The following Landfill Siting Criteria are relevant to the proposed General Plan text amendment:

*Landfill Siting Criterion No. 5.* Solid waste landfills are considered nonurban uses and, therefore, all candidate solid waste sites should be located outside of the Urban Service

Area. The existing Zanker Road and Owens-Corning landfills are exempt from this policy.

*Landfill Siting Criterion No. 11.* Landfill sites should be approved through the Planned Development zoning process.

*Landfill Siting Criterion No. 16.* The approval of solid waste landfill sites should include planning for their eventual phased restoration to recreational or open space uses, including revegetation with native plant species.

Because the text amendment would apply to sites located within the Urban Service Area and would recommend Planned Development zonings only for recycling operations on landfill sites, the amendment would not conflict with Criteria 5 and 11. The amendment would also be generally consistent with Criterion No. 16 in that the Planned Development approval process would include environmental mitigation and standards for revegetation as appropriate. The amendment also would apply only to a portion of the landfill site, thereby still providing for the remaining portion to be set aside for recreation or open space. The Department of Parks, Recreation and Neighborhood Services staff has confirmed with Planning staff that the proposed amendment would be consistent with the City's *Greenprint, a 20-Year Strategic Plan for Parks, Community Facilities and Programs*, and would not affect the City's plans for public parkland.

#### Economic Development Policies

The proposed General Plan text amendment would help the City to implement *Economic Development Policy No. 7*, which states that “the City encourages a mix of land uses in the appropriate locations which contribute to a balanced economic base, including industrial suppliers and services, commercial support services, ‘green industries’ (industries related to recycling or environmental preservation) as well as high technology manufacturers and other related industries.” By approving the text amendment, the City would help promote industries related to recycling.

#### General Plan Greenline/Urban Growth Boundary Major Strategy

The Greenline/Urban Growth Boundary is a strategy to define the ultimate perimeter of urbanization in San Jose. The Greenline/Urban Growth Boundary reflects the strong, long-standing commitment of both the City of San Jose and the County of Santa Clara that urban development should only occur within the Urban Service Areas of cities where urban development can safely and reasonably be accommodated and where urban services can efficiently be provided. Lands outside of the Greenline/Urban Growth Boundary are identified as those that are intended to remain permanently rural in character and that should remain under the jurisdiction of the County.

The Greenline/Urban Growth Boundary and its supporting policies seek to prevent urban development in hazardous areas especially those areas with significant exposure to geologic or fire hazards (e.g., the hillsides). By discouraging the expansion of urban services, particularly sanitary sewers, the Greenline/Urban Growth Boundary and the Urban Service Area policies reduce development pressures beyond the Greenline/Urban Growth Boundary. Allowable development, as defined by the Non-Urban Hillside land use designation and the Hillside Slope



Density Formula, further supports the open space preservation strategy by promoting low intensity and non-urban uses for lands beyond the Greenline/Urban Growth Boundary.

### Greenline/Urban Growth Boundary and Urban Service Area Policies

The Urban Service Area directs development to those areas where services and facilities can be provided in an efficient and orderly manner. In accordance with the General Plan, no expansion of the Urban Service Area is permitted outside the Greenline/Urban Growth Boundary. These policies together govern the timing and location of future development and the extension of urban services. They ensure that development occurs in a logical manner and that the City can provide adequate services to its residents and businesses.

The types of uses allowed outside of the Greenline/Urban Growth Boundary and the Urban Service Area do not include stand-alone permanent recycling operations. The General Plan encourages permanent recycling uses to be located on industrially planned land within the Greenline/Urban Growth Boundary and the Urban Service Area.

Because the General Plan text amendment would only apply to sites that are located within the Greenline/Urban Growth Boundary and Urban Service Area, the amendment would not pertain to the majority of existing and Candidate Solid Waste Landfill Sites unless the City approved a modification to the Urban Growth Boundary and an expansion to the Urban Service Area for these sites. The only landfill sites that are now located within the Greenline/Urban Growth Boundary and Urban Service Area are Owens-Corning, Zanker, and the D-shaped parcel of Newby Island (pending LAFCO approval). The three landfill sites within the Greenline/Urban Growth Boundary and Urban Service Area are located in Alviso.

The criteria for expansion of the Greenline/Urban Growth Boundary and the Urban Service Area are difficult to meet for landfills. Section 18.30 of the San Jose Municipal Code establishes provisions for two types of modifications to the Urban Growth Boundary. A major modification to the Urban Growth Boundary can only be considered in the context of a major, comprehensive update of the General Plan, which fully considers all of the implications of expanding the limits of urbanization. Minor modifications to the Urban Growth Boundary can be considered in the review of the General Plan only if the proposal meets the criteria listed in Section 18.30.220. The proposed modifications must:

1. Be no larger than five acres in size, unless the proposal would further the goals of the Urban Growth Boundary by creating a permanent open space buffer or other clear limit to future urban development in the vicinity.
2. Be located below the fifteen percent slope line, as defined in the General Plan.
3. Be contiguous to lands with an urban designation on the city's General Plan Land Use/Transportation Diagram.

The landfill sites that are not now within the Greenline/Urban Growth Boundary and the Urban Service Area do not appear to meet these criteria in that the sites are larger than five acres in size, it would be difficult to show a clear limit to future urban development in the vicinity, and the sites do not appear to be contiguous to lands with an urban designation.

### Hillside Development Policies

Several of the existing and candidate landfill sites have a General Plan Land Use/Transportation Diagram designation of Non-Urban Hillside. The Non-Urban Hillside land use designation is reserved for most hillside areas that have pervasive geologic conditions and that would incur extraordinary public costs for development. Hillside areas that are located in geologically unstable areas, such as geohazard zones, and with slopes that typically exceed fifteen percent are usually designated as Non-Urban Hillside. Uses in this designation are typically limited to those having very little physical impact on the land because of geologic conditions that affect hillsides.

### **Fiscal Impacts: Short Term versus Long Term**

At present, more than one million dollars in revenue is collected annually by the City and goes into the General Fund from the Disposal Facility Tax collected on waste disposed at City landfills. This tax has been interpreted to not include waste transferred from a site to another location outside of the City. Specifically, the removal of any waste, whether raw waste that is just being accepted for disposal and transferred off-site, or residuals from processing that are being transferred out-of-town for disposal, could cost the City a total of approximately \$16.35 per ton (\$13/ton Disposal Facility Tax and \$3.35 in Countywide Landfill AB 939 Fee) in lost net revenue. The difference is that at a landfill, the Disposal Facility Tax code language may allow for removal of processing residuals without tax being due.

Staff from the Environmental Services Department (ESD) has indicated that the City of San Jose could potentially lose this revenue unless the City amends its method of collecting fees and taxes for the handling of residual waste prior to City approval of planned development permits for individual recycling proposals on applicable landfill sites. This situation could be resolved in a number of ways including the City holding a successful Prop 218 election for a Disposal Facility Tax increase. ESD staff is also looking at ways to redefine the criteria for the tax. It should be noted that ESD is supportive of General Plan policies that encourage recycling, and that ESD would prefer, for environmental reasons, not to encourage or allow transferring of solid waste for disposal, other than residual waste from recycling operations.

### **ENVIRONMENTAL REVIEW**

An Initial Study was prepared for this project, and a Draft Mitigated Negative Declaration was circulated for public review by the Director of Planning on August 10, 2004. The Initial Study determined that the General Plan text amendment would create a less than significant impact with mitigation measures in the following categories: Air Quality, Biological Resources, Geology and Soils, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation and Traffic. The mitigation measures consist of implementation of existing General Plan policies.

### **PUBLIC OUTREACH**

This Text amendment was discussed during the community meeting that was held on June 30, 2004. The public hearing notice for this amendment was published in the San Jose Post-Record. The Mitigated Negative Declaration was sent to the State Clearinghouse for distribution to State agencies. In addition, the Department's website contains additional information regarding the

General Plan process, amendments, and staff reports. To date, no comments have been received on the subject amendment.

### **COORDINATION**

The preparation of this report was coordinated with the City Attorney's Office, the Department of Environmental Services, the Department of Parks, Recreation and Neighborhood Services, and the Department of Public Works.

### **Attachments**

PBCE002/GP\_Team/2004 Annual Review